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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/788,646 | 02/21/2001 | Stacy Rhea Steuart | 52493.000127 | 7075 |

7590 04/14/2006
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EXAMINER

FISCHEITTI, JOSEPH A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,646

Applicant(s)

STEUART ET AL.

Examiner

Joseph A. Fischetti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 4-6,9-11,15,17-20,25-27,31-34 and 36-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,7,8,12-14,16,21-24,28-30 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,21 are rejected under 35 U.S.C. 102(a)/(b) as being anticipated by www.Priceline.com.

Priceline.com discloses a method for providing sales-related data over a network comprising the steps of:

receiving a request for sales-related data from a user at a broker address (broker address is read as www.priceline.com and request is the I want a hotel room -A);

accessing broker information from a broker information database based on the broker address (priceline database is accessed by priceline.com page);

displaying at least a portion of the broker information with at least a portion of subsequent information presented to the user (broker information is read as the Pricebreakers portion and the subsequent information is read as check-in check out dates fields;

receiving request-related information from the user (read as the transmission of the check-in check out dates); and

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generating the sales-related data based on the received request-related information(sales related data is read as the listings on page C answering the requirements of page B).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,7,8,12,13,14,16,21-24,28,29,30,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Priceline.com in view of Miller et al.

Priceline.com discloses the invention as set forth above but does not disclose asking the user to select the user's state of residence; and receiving the user's state of residence selection, wherein the step of generating the sales-related data includes the sub-step of determining the sales-related data to generate based on the user's state of residence selection. However, Miller et al does disclose state based rule sets see table 2 wherein depending upon the state of residence a given endorsement clause is generated. It would be obvious to modify the system in Polizzi et al. to include the state based rules of Miller et al. because the feature of Polizzi of setting channels to maintain information on given state insurance standards would motivate the user to use this a way of updating the table 2. The state in which a the broker is licensed to business

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would obviously need to be a requirement to issue policies in a given area. Note state laws all require businesses to register with the secretary of state to do business in that state.

Re claims 3, 23: Official notice is taken regarding the old use of e-mails to notify a party as to the status of an order and the practice of sending to one address if the status is one way and to another address if the status is another way. See e.g. voting by phone.

Re claim 7: page A of priceline.com asks for product desired.

Re claim 8:sales related data rooms are connected to the availability for those nights listed.

Re claims 12/28/30:official notice is taken of filed error messages in on line applications


Re claim 13/29 the form on page B continues to be presented when all information is not provided.

Re claim 14: eligibility is based on having a credit card and without which the reservation is denied.

Re claim 16/35: the (1 800 – priceline) phone number at the bottom of the page is a contact.

Any inquiry concerning this communication should be directed to Joseph A.

Fischetti at telephone number 571 272 6780.

 **JOSEPH A. FISCHETTI**
PRIMARY EXAMINER

Joseph A. Fischetti
Primary Examiner
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